

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BANK OF AMERICA, N.A.,

Plaintiff,

ORDER

v.

10-cv-00010-wmc

DAWN R. MARTINSON, UNKNOWN
SPOUSE OF DAWN R. MARTINSON *also*
known as Carl Green, UNKNOWN TENANTS,
ADVANTAGE EMPLOYMENT SERVICES
LLC, REX A. MAGNUSON, and DONNA R. STABS,

Defendants.

The court is in receipt of plaintiff Bank of America, N.A.'s notice to the court, advising the court that defendant Dawn Martinson (aka Dawn Martinson Green) filed for Chapter 7 bankruptcy in the District of Minnesota on September 24, 2013. (Dkt. #125.) The court has confirmed the filing of the bankruptcy petition. *In re Dawn R. Martinson*, No. 13-50824 (Bankr. D. Minn. Sept. 24, 2013). This case was originally set for trial on January 7, 2013, but was stayed because Martinson filed for Chapter 11 bankruptcy the day before on January 6, 2013. *In re Dawn R. Martinson*, No. 13-50008 (Bankr. D. Minn. January 6, 2013). Martinson's prior bankruptcy petition was dismissed due to her failure to respond to the United States Trustee's motion to convert or dismiss this chapter 11 case. *In re Dawn R. Martinson*, No. 13-50008 (Bankr. D. Minn. June 5, 2013). The court then reopened this case and scheduled trial for Monday, October 21, 2013.

Despite the court's substantial concern that the defendant is abusing the bankruptcy system and hope that the bankruptcy court will promptly lift the stay so that the trial may go forward as scheduled on October 21, 2013, the court must stay this action until October 24,

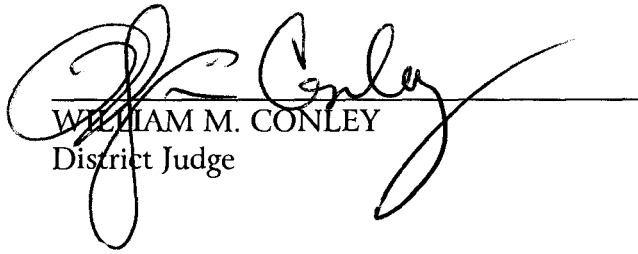
2013. *See* 11 U.S.C. § 362(3)(A) (providing that “if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, . . . the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case”). **Both parties are advised that absent a continuation of the stay by the bankruptcy court, the trial will proceed on Friday, October 25, 2013.**¹

ORDER

IT IS ORDERED that the above entitled action is STAYED until October 25, 2013. The pretrial conference scheduled for Monday, October 14, 2013, and the trial scheduled for October 21, 2013, are both STRUCK from the court’s calendar.

Entered this 10th day of October, 2013.

BY THE COURT:


WILLIAM M. CONLEY
District Judge

¹ The court would not normally express skepticism of a bankruptcy filing, even one filed within a year of another, but Martinson’s actions to date strongly suggest that her primary focus is on delaying plaintiff’s long-awaited day in court on this foreclosure action. In addition to now multiple bankruptcy filings, Martinson’s past conduct has resulted in her being barred from filing any papers in any federal court within the Seventh Circuit until she has paid in full outstanding fees and costs. *See Rogina v. Martinson*, No. 13-1818 (7th Cir. Sept. 5, 2013).